

**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Adjournment of the House  
Room E403  
Monday, February 21, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20374</u></a>	Rule rejected, Docket No. 49-0101-1001	Rep. Ellsworth
<a href="#"><u>RS20433</u></a>	Urban Renewal - Annual budget	Rep. Barrett
<a href="#"><u>RS20438</u></a>	Prohibits the use of aircraft in the taking of game	Rep. Moyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, February 21, 2011  
**TIME:** Upon Adjournment of the House  
**PLACE:** Room E403  
**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin  
**ABSENT/  
EXCUSED:** NONE  
**GUESTS:** Zach Hauge, Capitol West; John Watts, Veritas Advisors; Toni Lawson, Idaho Hospital Association  
The meeting was called to order at 12:07 p.m. by Chairman Wood (35).  
**RS 20433:** **Rep. Barrett** presented **RS 20433** which would require Urban Renewal Districts to file an annual report on funding and expenditures. She stated that this is an effort to create transparency and accountability within Urban Renewal Districts.  
In response to committee questions, Rep. Barrett clarified that the report would be available to anyone that requested it.  
**MOTION:** **Rep. Bedke** moved to introduce **RS 20433. Motion carried by voice vote.**  
**RS 20374:** **Rep. Ellsworth** presented **RS 20374** which would reject an administrative rule of the Certified Shorthand Reporters Board. She stated that Docket No. 49-0101-1001 was heard and rejected in the Judiciary, Rules & Administration Committee.  
**MOTION:** **Rep. Bedke** moved to introduce **RS 20374. Motion carried by voice vote.**  
**RS 20438:** **Rep. Moyle** presented **RS 20438** which prohibits the use of aircraft in the taking of game. He stated that last fall there was an incident wherein private plane owners would land their planes, hunt next to the plane and then load up and fly back home. This legislation would limit the ability of hunters to use aircraft to hunt.  
**MOTION:** **Rep. Bedke** moved to introduce **RS 20438. Motion carried by voice vote.**  
**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 12:13 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Adjournment of the House  
Room E403  
Wednesday, February 23, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20087C1</u></a>	Extends the time a citizen may contest an Urban Renewal ordinance by 90 days	Rep. Schaefer
<a href="#"><u>RS20481</u></a>	Clarifies the rights of a property owner in the case of abandonment of a county road	Rep. Rusche

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Wednesday, February 23, 2011

**TIME:** Upon Adjournment of the House

**PLACE:** Room E401

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative Bedke

**GUESTS:** Tony Smith, Benton Ellis; Erik Makrush, Idaho Freedom Foundation; Kris Ellis, Benton Ellis; Larry Benton, Benton Ellis

The meeting was called to order at 12:09 p.m. by Chairman Wood (35).

**MOTION:** **Rep. Cronin** moved to approve the minutes of February 21, 2011 with the following correction: Under RS 20348 the last sentence should read "This legislation would limit the ability of hunters to use aircraft to hunt." **Motion carried by voice vote.**

**RS 20087C1:** **Rep. Schaefer** presented **RS 20087C1** which extends the time a citizen may contest an Urban Renewal ordinance, resolution or proceeding to 90 days.

In response to committee questions, **Erik Makrush**, Idaho Freedom Foundation, stated that the limitations on review would allow 90 days to contest the illegality unless the actions are unconstitutional. Section two does seem to allow for a challenge up to the maximum lifetime of the Urban Renewal Agency. He noted that the issue could be further explored once the RS is introduced.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20087C1**.

**Rep. Rusche** spoke in opposition to the motion. He noted concern with the language of the last sentence in section two. It seems to allow for a challenge during the entire course of the urban renewal project. No one will bond if they can't get assurance they won't be challenged 20 years into the project. **Motion carried by voice vote.** **Rep. Rusche** requested that he be recorded as voting nay.

**RS 20481:** **Rep. Rusche** presented **RS 20481** which clarifies the rights of a property owner in the case of abandonment of a county road. The addition to Idaho Code 40-203 (2) would give the property owner a right of continued access on the abandoned right-of-way in the manner they previously used the access. He stated that this would ensure property owners do not become "landlocked" with regards to access to their property.

In response to committee questions, Rep. Rusche explained that maintenance of the right-of-way is not required, only access. He noted that the language for the legislation is as recommended by Legislative Services.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20481**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 12:23 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Adjournment of the House  
Room E403  
Monday, February 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20332C1</u></a>	Amends existing law to revise when attorney's fees, witness' fees and expenses may be awarded.	Rep.Luker, Rep.Burgoyne
<a href="#"><u>RS20506</u></a>	Right to Farm Act: Nuisances	Rep. Moyle
<a href="#"><u>RS20510</u></a>	Right to Farm Act: Amends existing law to include when full costs, attorney's fees and expenses may be recovered.	Rep. Lake

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, February 28, 2011  
**TIME:** Upon Adjournment of the House Majority Caucus  
**PLACE:** Room E403  
**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative Cronin

**GUESTS:** Roger Batt, Seed, Mint, Grape & Wine Industries; Zach Hauge, Capitol West  
The meeting was called to order at 12:45 p.m. by Chairman Wood (35).

**RS20332C1:** **Rep. Luker** presented **RS 20332C1** which deals with three different areas of the attorney fees statute. Last year the Legislature passed HB 421 which intended to allow for the recovery of fees at all points during legal proceedings. However, this past October the Idaho Supreme Court ruled that HB 421 did not allow for the awarding of fees for appeals. This legislation would allow for the recovery of attorney's fees in administrative cases at all stages of an administrative proceeding, including on appeals to the courts. Secondly, the legislation would prohibit attorney fees and awards in cases dealing with professional licenses. Finally, it would allow the prevailing party to recover fees in lawsuits between governmental entities.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20332C1. Motion carried by voice vote.**

**RS20506:** **Rep. Moyle** presented **RS 20506** which clarifies language in the Right to Farm Act. It provides that the protections of the Act apply to expansions of agricultural activities. It clarifies that ordinances that declare properly conducted agricultural activities to be nuisances are void. Additionally, agricultural activities shall not be declared nuisances if they are operated in accordance with recognized agricultural practices or a governmental permit.

In response to committee questions, **Roger Batt**, Seed, Mint, Grape & Wine Industries, explained that if a previously operating agricultural facility was not a nuisance when they began operation they would not be considered a nuisance upon restarting operations a few years later.

**Rep. Moyle** further clarified that if a conditional use permit had lapsed the operator would still be responsible to update it.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20506. Motion carried by voice vote.**

**RS20510:** **Rep. Andrus** presented **RS 20510** which states that when an agricultural operation prevails in a nuisance suit they can recover full costs including expenses and attorney fees.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20510. Motion carried by voice vote.**

**ADJOURN:**      There being no further business to come before the committee, the meeting was adjourned at 12:56 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA  
HOUSE WAYS & MEANS COMMITTEE  
1:00 P.M.  
Room E403  
Thursday, March 03, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20511</u></a>	Rule rejected, Docket No. 16-0602-1001	Rep. Block
<a href="#"><u>RS20512</u></a>	Rule rejected, Docket No. 16-0504-1001	Rep. Hartgen
<a href="#"><u>RS20516</u></a>	Allows farm tractors on highways in certain situations	Rep. Batt, Rep. Moyle
<a href="#"><u>RS20533</u></a>	Verification of dependent children claimed on public assistance applications	Rep. Perry
<a href="#"><u>RS20534</u></a>	Knowing use of an incorrect social security number to secure public benefits	Rep. Perry
<a href="#"><u>RS20535</u></a>	Prohibits the use of aircraft in the taking of game	Rep. Moyle
<a href="#"><u>RS20366</u></a>	Public-rights-of-way	Stuart Davis, Idaho Association of Highway Districts
<a href="#"><u>RS20536</u></a>	Encroachments and vehicular use of an open highway	Stuart Davis

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Thursday, March 03, 2011  
**TIME:** Upon Adjournment of the House  
**PLACE:** Room E403  
**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative Cronin

**GUESTS:** Stuart Davis, Idaho Association of Highway Districts; Benjamin Davenport, RischPisca

The meeting was called to order at 1:05 p.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of February 23, 2011 as written.  
**Motion carried by voice vote.**

**MOTION:** **Rep. Rusche** moved to approve the minutes of February 28, 2011 as written.  
**Motion carried by voice vote.**

**RS 20511:** **Rep. Block** presented **RS 20511** which rejects a pending rule, Docket Number 16-0602-1001, of the Idaho Department of Health and Welfare relating to Rules Governing Standards for Child Care Licensing as being inconsistent with Legislative intent. SB112aa from the 2009 Legislative session stated that daycare facilities are those providing services to seven or more children that are not related to the provider. The pending rule deals with those providing care to 13 or more children regardless of their relation to the provider.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20511**. **Motion carried by voice vote.**

**RS 20516:** **Rep. Batt** presented **RS 20516** which broadens the exemptions that allow farm tractors upon the highway. This legislation would allow farm tractors to be operated on the highway for travel to or from a place of maintenance or repair, or place of buying or selling.

In response to committee question, Rep. Batt noted that the tractor would have to be transported on a trailer as reflected on page 1, line 23 of the legislation.

**MOTION:** **Rep. Higgins** moved to introduce **RS 20516**. **Motion carried by voice vote.**

**RS 20533:** **Rep. Perry** presented **RS 20533** which would require the Department of Health and Welfare to verify and account for the number of dependent children being claimed on applications for public assistance. This legislation would provide the Department with a way to cut down on fraud. A parent would need to provide a copy of the birth certificate for each child claimed. Birth certificates are currently required by school districts as proof for parents registering their children for school.

In response to questions, Rep. Perry explained that the Department cannot deny claims because someone does not have proof in hand. The parent would have 30 days to provide documentation. At the end of the 30 days they would either need to provide the birth certificate or proof that they are working on obtaining it.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20533**. **Motion carried by voice vote.** **Rep Rusche** requested that he be recorded as voting nay.

**RS 20534:** **Rep. Perry** presented **RS 20534** which deals with persons that knowingly provide a social security number that has not been assigned to them to secure public benefits. It would make the first two offences a misdemeanor and subsequent offenses a felony.

In response to committee questions, Rep. Perry clarified that this legislation only deals with those filing claims for public benefits and does not enter into the employment realm.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20534**. **Motion carried by voice vote.**

**RS 20535:** **Rep. Moyle** presented **RS 20535**. It prohibits the use of aircraft in the taking of game. Similar to a previous RS, this legislation addresses concerns raised by private ranch owners and allows for flying into an established airport or private ranch. It does not allow one to use aircraft to spot game and then land on public lands to hunt.

In response to committee questions, Rep. Moyle stated that outfitters could land on runways in the backcountry or private ranches. It simply prevents aircraft from landing on public grounds where no runway currently exists.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20535**. **Motion carried by voice vote.**

**RS 20366:** **Stuart Davis**, Idaho Association of Highway Districts, presented **RS 20366**. It clarifies the provisions of Idaho Code that are used to determine public rights-of-way in Idaho and ensures the proper process is followed to validate them.

In response to committee questions, Mr. Davis explained that the legislation would make sure that public agencies go through the correct process and not through the quiet title.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20366** with corrections: On page 2, line 31 after 40-203A insert ",40-204". **Motion carried by voice vote.**

**RS 20536:** **Stuart Davis** presented **RS 20536** which clarifies when a county or highway district is required to remove an encroachment on a highway or right-of-way. It will allow a county or highway district to remove encroachments that prevent vehicular use of an open highway.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20536**. **Motion carried by voice vote.**

**RS 20512:** **Rep. Moyle** presented **RS 20512**. It rejects a pending rule, Docket Number 16-0504-1001, of the Idaho Department of Health and Welfare relating to Rules of the Idaho Council on Domestic Violence and Victim Assistance Grant Funding.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20512**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:31 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Adjournment of the House  
Room E403  
Thursday, March 10, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20545</u></a>	Public benefits	Rep. Moyle
<a href="#"><u>RS20551</u></a>	Idaho plumbing code	Rep. Palmer
<a href="#"><u>RS20557</u></a>	Administrative rules continuation	Speaker Denney

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke(Bedke)

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Thursday, March 10, 2011

**TIME:** Upon Adjournment of the House

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke (Bedke), Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE

**GUESTS:** NONE

The meeting was called to order at 12:07 p.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 3, 2011 as written. **Motion carried by voice vote.**

**RS20545:** **Rep. Perry** presented **RS 20545**. It requires a recipient of public benefits to provide proof of identification prior to receiving benefits, similar to providing id when using a credit card. This would be required when the actual exchange of the benefits occurs and not during the application for assistance. It aims to stop the practice of selling food stamps for cash.

In response to committee questions, Rep. Perry explained that certain benefits such as prenatal and postnatal care and emergency assistance are exempt from any identification requirements. She further clarified that the proof would be required upon direct dispensation of the benefits, i.e. at the grocery store when using food stamps. Numerous forms of identification would be accepted such as driver's licenses, passports, military ids, tribal documents.

**Rep. Moyle**, in response to questions, clarified that this legislation does address concerns of the grocer's community. It ensures that those using food stamps are the actual intended recipients of the benefits.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20545**. **Motion carried by voice vote.** **Rep. Rusche** requested that he be recorded as voting nay.

**RS20551:** **Rep. Batt** presented **RS 20551**. It would establish the 2009 Idaho State Plumbing Code (ISPC) as the uniform legal standard for all plumbing installations in the state and would replace the Uniform Plumbing Code (UPC). The ISPC is modeled after the UPC but has been customized to address concerns unique to the plumbing industry in Idaho. Similar legislation was presented to the Business Committee earlier this session and this is an attempt to address the concerns that were raised.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20551**. **Motion carried by voice vote.**

**RS20557:** **Rep. Moyle** presented **RS 20557** which is known as the "drop dead bill." It continues certain administrative rules in full force and effect until July 1, 2012.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20557**. **Motion carried by voice vote.**

**ADJOURN:**      There being no further business to come before the committee, the meeting was adjourned at 12:21 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #2 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Call of the chair  
Room E403  
Friday, March 11, 2011

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20565</u></a>	Food stamps	Rep. Roberts
<a href="#"><u>RS20591</u></a>	Public benefits	Rep. Perry
<a href="#"><u>RS20592</u></a>	Public benefits	Rep. Moyle
<a href="#"><u>RS20596</u></a>	Medicaid	Rep. McGeachin

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)  
Rep Moyle  
Rep Bedke(Bedke)  
Rep Roberts  
Rep Rusche  
Rep Higgins  
Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick  
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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Friday, March 11, 2011

**TIME:** Upon Call of the chair

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke (Bedke), Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative Higgins

**GUESTS:** Skip Smyser, Connolly& Smyser; John Watts, Veritas Advisors;

In the absence of Chairman Wood (35), Representative Moyle called the meeting to order at 9:53 a.m.

**RS20565:** **Rep. Roberts** presented **RS 20565** which would require the Department of Health and Welfare (DHW) to distribute food stamps over a period of not less than five days per month. It would help alleviate many of the problems associated with providing the benefits all on one day, as is current practice. The fiscal note is an estimate from the Department and grocers are currently negotiating to possibly cover some of those costs.

Chairman Wood (35) returned to chair the meeting.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20565. Motion carried by voice vote.**

**RS20591:** **Rep. Perry** presented **RS 20591** which gives additional authority to DHW to verify and account for the number of dependent children being claimed on applications for food stamps. This legislation addresses previous concerns about requiring birth certificates as the proof of dependency. It allows the Department to request additional documentation that it deems necessary. Once documentation has been provided it does not need to be verified continually. Additionally, refugees and those seeking asylum will not be affected by this requirement.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20591. Motion carried by voice vote.**

**RS20592:** **Rep. Moyle** presented **RS 20592.** It requires recipients of food stamps to provide proof of identification prior to receiving the benefits. It is similar to another piece of legislation that was heard in committee previously and attempts to address the concerns that were raised. The identification requirement is only for food stamps and does not affect the disbursement of other public benefits.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20592. Motion carried by voice vote.**

**RS20596:** **Rep. McGeachin** presented **RS 20596** which is a redraft of the Medicaid legislation, H 221. Based upon input from stakeholders and the public, the Health and Welfare committee removed two of the more controversial pieces of H 221. Those included the removal of the age cap for developmental services and the removal of developmental services for those that do not qualify for a waiver program. This legislation comes at the request of JFAC to find savings in the Medicaid budget.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20596. Motion carried by voice vote.**

**ADJOURN:**        There being no further business to come before the committee, the meeting was adjourned at 10:09 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary



**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
**9:00 A.M.**  
**Room E403**  
**Monday, March 14, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20554:</u></a>	Eminent domain	Rep. Bedke
<a href="#"><u>RS20590</u></a>	Dairies, nutrient management plans	Rep. Boyle
<a href="#"><u>RS20593</u></a>	Department of Agriculture, rulemaking	Rep. Patrick
<a href="#"><u>RS20597</u></a>	Out-of-State Mail Service Pharmacy Act	Rep. Chew
<a href="#"><u>RS20601</u></a>	Leasing of water	Rep. Stevenson
<a href="#"><u>RS20603</u></a>	Ground water districts	Rep. Stevenson
<a href="#"><u>RS20613</u></a>	Wolves	Rep. Hart

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)  
Rep Moyle  
Rep Bedke(Bedke)  
Rep Roberts  
Rep Rusche  
Rep Higgins  
Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick  
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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, March 14, 2011

**TIME:** 9:00 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:**

**GUESTS:** Jeremy Pisca, RischPisca; Bob Naerebout, Idaho Dairyman's Association; Dan Steenson, Ringert Law

The meeting was called to order at 9:06 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 10, 2011 as written. **Motion carried by voice vote.**

**RS20554:** **Rep. Bedke** presented **RS 20554** which is a rewrite of H 189 that deals with eminent domain. It makes minor changes to page 2, line 13, "materially serves the interests of the citizens of Idaho" was changed from "directly serves the interests of the residents of Idaho."

**MOTION:** **Rep. Roberts** moved to introduce **RS 20554**. **Motion carried by voice vote.**

**RS20590:** **Rep. Boyle** presented **RS 20590** which provides that the nutrient management plan of a dairy farm and information generated from such plan shall be kept confidential and exempt from disclosure.

In response to committee questions, Rep. Boyle noted that the legislation is similar to a bill that was passed last year for the beef industry. It would still require water quality standards to be maintained.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20590**. **Motion carried by voice vote.** **Rep. Rusche** requested that he be recorded as voting nay.

**RS20593:** **Rep. Patrick** presented **RS 20593** which would require the Director of the Department of Agriculture to notify the public and legislature when proposing a rule that is more stringent or broader in scope than federal law or regulation. Additionally, it would require the Director to utilize the best available science and apply well established risk assessment methods when passing environmental rules that are more stringent or broader in scope than federal rules.

In response to committee questions, Rep. Patrick stated that he is not aware of any existing or proposed agriculture rules that have been more stringent than federal regulations. He acknowledged that the provision for peer reviewed science would allow for input from others outside the Department of Agriculture.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20593**. **Motion carried by voice vote.**

**RS20597:** **Rep. Chew** presented **RS 20597** which is a modification of H 219 and provides for counseling on medicines dispensed from mail order pharmacies. The counseling is only required for dispensation of new medications supplied through the mail and not for refills.

Rep. Chew, in response to questions, noted that clarifications regarding the counseling would be worked out between stakeholders during the rulemaking process.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20597**. **Motion carried by voice vote.**

**RS20601:** **Rep. Stevenson** presented **RS 20601** which would create a more certain and predictable process for the leasing of water for hydropower purposes. It clarifies the relationship between the private, two-party water leasing provisions of Idaho Code.

In response to committee questions, Rep. Stevenson stated that someone leasing a water right would not lose the water right for themselves upon leasing. He noted that the legislation would apply to ground and surface water.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20601**. **Motion carried by voice vote.**

**RS20603:** **Rep. Stevenson** presented **RS 20603**. It clarifies that assessments from ground water districts are liens against the lands of the member ground water users and those liens have the same rating as liens of real property taxes.

**Rep. Bedke**, in response to questions, explained that this legislation would ensure that those who receive the benefit are paying the bill. The obligation would follow the property if it is sold.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20603**. **Motion carried by voice vote.**

**RS20613:** **Rep. Hart** presented **RS 20613** which deals with wolves. This legislation would prohibit any state employee from investigating, arresting or prosecuting, or assisting any federal agency in any way that would lead to the arrest or prosecution of a person who removes a gray wolf from Idaho or causes the death or injury of a gray wolf in Idaho. Exceptions are included for counting efforts and actions that would facilitate the delisting of the gray wolf.

In response to committee questions, Rep. Hart clarified that the penalty of twice the value of the governmental resources used would be paid by the individual committing the violation. He noted that poisoning or the use of traps or snares would still be prohibited and laws pertaining to those actions would still be enforced.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20613**.

**SUBSTITUTE MOTION:** **Rep. Rusche** offered a substitute motion to return **RS 20613** to its sponsor. He expressed concern that this legislation would put employees in an untenable position with regards to obeying their boss's orders.

**VOTE ON SUBSTITUTE MOTION:** **Chairman Wood (35)** called for a vote on the substitute motion to return **RS 20613** to its sponsor. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Chairman Wood (35)** called for a vote on the motion to introduce **RS 20613**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:35 a.m..

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
**HOUSE WAYS & MEANS COMMITTEE**  
9:00 A.M.  
Room E403  
Wednesday, March 16, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20572C2</u></a>	Farm equipment dealers	Rep. Patrick
<a href="#"><u>RS20594C1</u></a>	Public records	Rep. Batt
<a href="#"><u>RS20625</u></a>	Insurance and Trade Practices and Fraud, amendments	Jim Genetti, Idaho Association of Health Underwriters
<a href="#"><u>RS20626</u></a>	Air quality, vehicle inspection and maintenance program	Rep. Crane

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

Room: E304

Phone: (208) 332-1120

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Wednesday, March 16, 2011

**TIME:** 9:00 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:** Dan Steenson, Ringert Law; Dar Oldberding, Idaho Grain Producers Association (IGPA)

The meeting was called to order at 9:04 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Rusche** moved to approve the minutes of March 11, 2011 and March 14, 2011 as written. **Motion carried by voice vote.**

**RS 20572C2:** **Rep. Patrick** presented **RS 20572C2** which updates current Idaho dealer statutes to protect Idaho equipment dealers. This legislation is a rewrite of H 134 and aims to help dealers handle terminations or cancellations of sales. It includes language to allow for the recovery of monetary damages on losses and removes the language regarding direct competition. Exemptions are included for those that are primarily engaged in industrial and construction equipment sales, have sales in excess of \$20 million dollars or have purchased 75% or more of their inventory from a single supplier.

In response to committee questions, Rep. Patrick explained that the plaintiff could recover damages of two times the compensatory damages. He stated that without penalties enforcement of the law would be difficult. He clarified that the terms for exemption were determined so as to be large enough that the dealer would be able to protect themselves in a contract.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20572C2**. **Motion carried by voice vote.**

**RS 20594C1:** **Rep. Batt** presented **RS 20594C1**. Under Idaho's public records law, governmental entities are authorized to charge for public record requests. Currently anyone that shows an inability to pay for a request can have the fee waived. This legislation provides that no fee may be charged on the first hundred pages or the first two hours of labor in responding to a request. It allows fee waivers only for requests that serve the public's interest in understanding government operations. It limits the rate that may be charged for labor to that of the lowest paid employee that is necessary and qualified to process the request. Additionally it requires public entities to provide itemized fee statements as well as specify the maximum amount of an advance fee payment that may be required from the requester. Requesters are prohibited from segregating their requests in order to avoid fees.

Rep. Batt, in response to questions, clarified that the legislation was drafted based upon input from the Idaho Allied Dailies as well as the Idaho Press Club and does not affect the ability of an individual or news organization to obtain a fee waiver if it serves the public's understanding of government.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20594C1**. **Motion carried by voice vote.**

- RS 20625:** **Jim Genetti**, Idaho Association of Health Underwriters, presented **RS 20625**. Prior to 2006, Idaho Code did not allow for an insurance producer to give anything of value to a client or prospective client that was not specified in the insurance contract. During the 2006 legislative session the law was amended to allow some producers to give gifts, prizes, or merchandise of an aggregate value of \$50.00 per policyholder or prospective policyholder. This change did not include disability insurance companies or their producers. Under current law, health insurance providers that give a calendar or pen to a client or prospective client could be in violation of the law. Additionally, the current spending limit of \$50.00 does not have any limit of the number of times it may be given. This legislation would set a maximum limit of \$200 per calendar year on the gifts and would allow health insurance providers to conduct their normal business transactions without fear of breaking the law.
- MOTION:** **Rep. Rusche** moved to introduce **RS 20625**. **Motion carried by voice vote.**
- RS 20626:** **Rep. Crane** presented **RS 20626** which deals with the vehicle emissions law of 2008. It would repeal the vehicle inspection and maintenance program as well as prohibit the regulation of air pollution and emissions from vehicles by DEQ. Additionally it repeals the Treasure Valley Air Quality Council and other regional air quality councils.
- Rep. Crane, in response to questions, noted that the legislation deals only with vehicle emission testing and could allow for other forms of emissions monitoring. He further explained that problems with implementation have resulted in automobile owners receiving late notices and having their registrations revoked before they were aware of the issue.
- MOTION:** **Rep. Bedke** moved to introduce **RS 20626**. **Motion carried by voice vote.** **Rep. Rusche, Rep. Higgins and Rep. Cronin** requested that they be recorded as voting nay.
- ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:27 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA  
HOUSE WAYS & MEANS COMMITTEE  
1:00 P.M.  
Room E403  
Monday, March 21, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20608C1</u></a>	Idaho Health Freedom Act	Rep. Barbieri
<a href="#"><u>RS20646</u></a>	Idaho Health Carrier External Review Act	Stephen Thomas, Idaho Association of Health Plans
<a href="#"><u>RS20654</u></a>	Access to Justice Fund	Rep. Bayer
<a href="#"><u>RS20656</u></a>	Idaho Broadband Plan	Rep. Rusche

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, March 21, 2011

**TIME:** 1:00 p.m.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:** Wayne Hoffman, Idaho Freedom Foundation, Teresa Molitor, Idaho Legal Aid Services (ILAS); Jim Cook, ILAS; Ernesto Sanchez, ILAS; Steve Thomas, Idaho Association of Health Plans; Julie Taylor, Blue Cross of Idaho; Joie McGarvin, America's Health Insurance Plans; Tony Smith, Benton Ellis; Larry Benton, Benton Ellis; Kris Ellis, Benton Ellis

The meeting was called to order at 1:05 p.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 16, 2011 as written. **Motion carried by voice vote.**

**RS 20608C1:** **Rep. Barbieri** presented **RS 20608C1** which is a revised attempt to exercise authority over state agencies with regards to the Patient Protection and Affordable Care Act (PPACA). It would prohibit state agencies from using federal funds to enact health care reforms under the PPACA. No department, agency or public employee could accept or spend monies related to the national healthcare act without written verification that such action is consistent with Idaho Code. This legislation makes it clear that Idaho citizens cannot be compelled to purchase health insurance under the PPACA. An emergency clause of July 1, 2012 has been included to give the Supreme Court ample time to rule on the federal healthcare case to which Idaho is a party.

In response to committee questions, Rep. Barbieri stated that agencies should be able to complete the verification process using existing staff time. He clarified that the legislation would not prohibit the state from pursuing certain activities on its own if they were deemed to be good practices for the state. Furthermore, establishing funding for those activities would require agencies to come before the Legislature with their requests.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20608C1**.

**SUBSTITUTE MOTION:** **Rep. Rusche** moved to return **RS 20608C1** to its sponsor. **Motion failed by voice vote.**

**VOTE ON ORIGINAL MOTION:** **Chairman Wood (35)** called for a vote on the motion to introduce **RS 20608C1**. **Rep. Rusche** requested a roll call vote. By a vote of **4 aye and 3 nay**, the motion **passed**. Voting in the affirmative: **Reps. Moyle, Bedke, Roberts, Wood (35)**. Voting in the negative: **Reps. Rusche, Higgins, Cronin**.

**RS 20646:** **Stephen Thomas**, Idaho Association of Health Plans, presented **RS 20646** which is a trailer bill to H 131 and deals with external review. When a patient is unhappy with a doctor's opinion they often seek out a second one. Similarly, when a claim for benefits is denied, an external review can be requested from an Independent Review Organization (IRO). This legislation allows self-funded companies to opt into the state external review process if they so choose. They can opt in on a per case basis or for a set period of time. Neither the Department of Insurance nor the Idaho Association of Commerce & Industry (IACI) has any objections to the legislation.



**MOTION:** Rep. Rusche moved to introduce **RS 20646. Motion carried by voice vote.**

**RS 20654:** Rep. Bayer presented **RS 20654** which establishes an Access to Justice Fund to assist Idaho Legal Aid Services (ILAS) in providing legal representation for indigent persons in civil matters. This legislation would establish a \$10.00 fee increase for civil cases in order to establish the Access to Justice Fund. Currently, ILAS is funded entirely through a federal grant from the Legal Services Corporation (LSC) and Idaho is the only state that does not provide supplemental funding. Due to budget issues on the federal level there have been significant cutbacks to the funding from LSC. The Access to Justice Fund will be used to assist clients in cases involving domestic violence, abused and neglected children, elder exploitation, foreclosures and veterans' issues.

In response to committee questions, Rep. Bayer stated that the fee increase is expected to generate approximately \$780,000 annually.

**MOTION:** Rep. Rusche moved to introduce **RS 20654. Motion carried by voice vote.**

**RS 20656:** Rep. Rusche presented **RS 20656.** This resolution would request a coordinating entity for the LinkIDAHO Statewide Broadband Project to oversee the Idaho Broadband Plan report and submit it annually to the Legislature.

**MOTION:** Rep. Moyle moved to introduce **RS 20656. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:28 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
HOUSE WAYS & MEANS COMMITTEE  
9:00 A.M.  
Room E403  
Friday, March 25, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20663</u></a>	ITD pilot program	Rep. Thompson
<a href="#"><u>RS20675</u></a>	Floating homes	Rep. Nielsen
<a href="#"><u>RS20680</u></a>	Medically indigent	Tony Poinelli, Idaho Association of Counties
<a href="#"><u>RS20683</u></a>	Individual income tax forms	Rep. Ellsworth

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Friday, March 25, 2011

**TIME:** 9:00 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:** Amy Smith, Idaho Transportation Department; Tony Poinelli, Idaho Association of Counties;

The meeting was called to order at 9:20 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 21, 2011 as written. **Motion carried by voice vote.**

**RS 20663:** **Rep. Thompson** presented **RS 20663** which authorizes the Idaho Transportation Department (ITD) to administer an uninsured motorist database pilot program. The program would be administered by an out-of-state vendor at no additional cost to the state. They have agreed to work with ITD to help determine Idaho's situation with regards to uninsured motorists.

In response to committee questions, Rep. Thompson explained that the legislation would simply authorize ITD to begin the pilot program. There is no further intent beyond that at this point. The vendor has worked with Texas and Utah on their uninsured programs and would help Idaho determine whether or not this is an issue in the state.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20663**. **Motion carried by voice vote.**

**RS: 20675** **Rep. Nielsen** presented **RS 20675**. It changes Idaho Code, 55-2704 (2) to exclude single float homes and condominiumized units from the definition.

In response to committee questions, **Larry Spencer** clarified that the Department of Lands is involved because the lake beds that marinas are built on are owned by the state. Condos own the parking lot but not the land that they sit on.

**MOTION:** **Rep. Rusche** moved to return **RS 20675** to its sponsor. He expressed concern that the exemption of single and multi-owner private moorage would leave nothing under the definition of floating home moorage marina.

**SUBSTITUTE  
MOTION:** **Rep. Moyle** offered a substitute motion to introduce **RS 20675**. **Motion carried by voice vote.**

**RS: 20680** **Tony Poinelli**, Idaho Association of Counties, presented **RS 20680** regarding the indigent sick. The Idaho Hospital Association and the Idaho Medical Association expressed concern with H 216 which this new legislation addresses. It clarifies the Catastrophic Health Care Cost Board's (CAT Board) powers and duties as well as how obligated counties are determined. It includes new definitions and clarifies existing definitions. Reimbursed rates in effect at the time services are delivered will be paid at 95% of that rate for two years.

**MOTION:** **Rep. Rusche** moved to send **RS 20680** to the second reading calendar. In support of his motion, he noted that the Health and Welfare Committee had a lengthy discussion of H 216 previously and this new legislation appears to address the concerns raised during that process. There is no reason to have a new hearing on the legislation.

**Rep. Roberts** spoke in support of the motion. The Health and Welfare Committee has heard this issue and this is a good piece of legislation that should move forward.

**Motion carried by voice vote. Rep. Loertscher** will sponsor the bill on the floor.

**RS 20683:** **Rep. Ellsworth** presented **RS 20683** which directs the Idaho State Tax Commission to set up procedures to collect sales/use tax more effectively by modifying the Idaho Individual Tax Return Form 40. It further directs the Tax Commission to prepare and publish a chart of what the average user pays in the instructions for Form 40. If an individual does not indicate a use tax amount the form will not be accepted. The emergency clause exists to allow those preparing the tax forms time to incorporate the changes for next year.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20683. Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:42 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
HOUSE WAYS & MEANS COMMITTEE  
8:30 A.M.  
Room E403  
Monday, March 28, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20695C2</u></a>	Ground water districts	Rep. Bedke
<a href="#"><u>RS20707</u></a>	Public benefits	Rep. Perry
<a href="#"><u>RS20708</u></a>	Public records	Rep. Batt

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, March 28, 2011

**TIME:** 8:30 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:** Larry Benton, Benton Ellis;

The meeting was called to order at 8:50 a.m. by Chairman Wood (35).

**RS 20695C2:** **Rep. Bedke** presented **RS 20695C2** which deals with ground water districts. It clarifies that assessments from ground water districts are liens against the lands of the member users and those liens are placed in a lien priority ahead of mortgages and deeds. Currently, if a surface water user does not pay maintenance that becomes a lien on their property taxes. This legislation would allow ground water assessments to have the same priority as surface water systems, except in cases of mixed water on property. In cases of mixed water, the ground water assessment would be placed behind the surface water assessment. A 60 day notice of delinquency was added prior to any foreclosure sale of the property. The legislation would allow ground water districts access to the bond market for competitive rates rather than a junk bond rate.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20695C2**. **Motion carried by voice vote.**

**RS 20707:** **Rep. Perry** presented **RS 20707** relating to public benefits. This legislation is a combination of two bills heard in this committee previously. It would require the Department of Health and Welfare (DHW) to distribute SNAP benefits, food stamps, over the course of multiple consecutive days within the month. Additionally, it requires DHW to issue an identification card to each certified household as proof of SNAP eligibility. Section 1 of the legislation changes the distribution schedule to give DHW more flexibility in determining what works best for them. Section 2 aims to deter food stamp recipients from selling their cards for cash.

In response to committee questions, **Rep. Roberts** explained that the fiscal note of \$551,000 included \$50,000 to program the computer system, \$100,000 for two mailings to inform all recipients of the changes and \$200,000 for temporary additional staff. The fiscal note is on the high end and budget analyst have suggested that the number could come down. He further noted that the Northwest Grocery Association would contribute to a specific department fund to help alleviate some of the costs.

**Rep. Perry**, in response to questions, clarified that there would be a number on the card which would correspond to the case file that designates those eligible to receive benefits as well as those authorized as representatives of the household. She noted that while federal code states that food stamp recipients cannot be treated differently that refers to charging them different prices for food or placing restrictions on what they can purchase with the benefits. There is an additional section of code that states one can ask for identification upon request.

**MOTION:** **Rep. Roberts** moved to send **RS 20707** to the second reading calendar. Speaking in favor of his motion, he noted that previously both public benefit bills had been heard in Commerce & Human Resources and this legislation simply combines those issues into one bill.

**Rep. Rusche** spoke in opposition to the motion. This legislation needs to be vetted more thoroughly and he expressed concern with it not receiving a full hearing in committee. **Motion carried by voice vote.**

**MOTION:** **Rep. Moyle** moved to **HOLD RS 20708**, subject to the call of the Chair. He stated that the stakeholders were still in discussions regarding a few more details. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:08 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
**10:00 A.M.**  
**Room E403**  
**Tuesday, March 29, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20696</u></a>	Property tax exemptions	Rep. Thompson
<a href="#"><u>RS20708C1</u></a>	Public records	Rep. Batt

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Tuesday, March 29, 2011

**TIME:** 10:00 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative(s) Cronin

**GUESTS:** Mitch Coffman, Idaho Reporter; Heidi Low, American Cancer Society Cancer Action Network; John Eaton, Idaho Association of Realtors; Wayne Hoffman, Idaho Freedom Foundation; Skip Smyser, Connolly & Smyser; Dan Chadwick, Idaho Association of Counties; Dan John, Idaho Tax Commission; Lincoln Smyser, Connolly & Smyser; Bob Naerebout, Idaho Dairymen's Association;

The meeting was called to order at 10:12 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 25, 2011 and March 28, 2011 as written. **Motion carried by voice vote.**

**RS 20696:** **Rep. Thompson** presented **RS 20696** relating to property tax exemptions. In 1999 H 154 was passed which clarified property tax exemptions for non-profit hospitals. Unfortunately it had unintended consequences. Currently St. Alphonsus Regional Medical Center has 75 properties that have been taken off the property tax rolls because of this exemption. Under this legislation, hospital facilities must have an emergency room, surgery facilities and facilities to stay overnight in order to be exempt. Clarifying the exemptions could result in \$23 million being available to counties for property tax reduction.

In response to committee questions, Rep. Thompson clarified that the legislation deals only with non-profit hospitals and is intended to help bring property tax relief to the citizens of Idaho.

In response to questions, **Dan Chadwick**, Idaho Association of Counties, explained that in individual taxing districts levies would be reduced or increased but the districts would still be operating on the same amount of money.

**Dan John**, Idaho Tax Commission, noted that the buildings removed from the exemption could possibly go onto the new construction rolls.

**MOTION:** **Rep. Roberts** moved to introduce **RS 20696**. In support of his motion, he stated that the legislation is well intentioned and should go forward to have a hearing.

**Rep. Rusche** spoke in favor of the motion. However, he noted that he did have concerns regarding community benefit reports and what might happen to county hospitals and hospital districts under this legislation.

**Motion carried by voice vote.**

**RS 20708C1** **Rep. Batt** presented **RS 20708C1** which deals with public records laws. As this issue has come before the committee previously, she noted she would simply highlight the changes in this legislation. On page 2 an exemption was added for the Idaho Historical Society as they function more as a repository or library. She requested the committee make one small change to include the words "library and archives" at the end of line 44 to make sure it narrows the scope of what is exempt.

On page 3 language was included to make it clear that an agency could help narrow the scope of the requester but could not badger the requester. Finally, a change was made to page 4 regarding the fees for services. Some counties and cities do not have in-house counsel so if the request involves redactions by an attorney this clarifies that no more than the usual and customary rate of the attorney can be charged. The Idaho Association of Counties, Association of Idaho Cities, Idaho Historical Society, Idaho Dairyman's Association, Idaho Press Club and the Newspaper Association of Idaho all support this legislation.

In response to committee questions, Rep. Batt stated that a trade off was made, giving the first 100 pages for free in order to strengthen the fee waiver language in the legislation. The 2 hours of labor language already exists in current statute. She reiterated that the counties and cities are satisfied with the language in the legislation.

**MOTION:** **Rep. Moyle** moved to send **RS 20708C1** to the second reading calendar with the following changes: page 2, line 44 after "society" insert "library and archives".  
**Motion carried by voice vote. Rep. Batt** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:36 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon adjournment of Resources & Conservation Committee  
Room E403  
Friday, April 01, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#"><u>RS20736</u></a>	Wolves	Speaker Denney
<a href="#"><u>RS20740</u></a>	Siting of wind energy facilities	Rep. Loertscher

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Friday, April 01, 2011  
**TIME:** Upon adjournment of the Resources & Conservation Committee  
**PLACE:** Room E403  
**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin  
**ABSENT/  
EXCUSED:** NONE.  
**GUESTS:**

The meeting was called to order at 1:15 p.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of March 29, 2011 as written. **Motion carried by voice vote.**

**RS 20736:** **Rep. Boyle** presented **RS 20736** which deals with wolves. It would give the Governor the ability to issue an emergency declaration to help Idaho control wolves. Citizens are afraid to go out to areas where they previously visited. Wolves are spreading diseases and devastating wildlife. This legislation would ask that the Governor be allowed, under certain circumstances, to issue an executive order regarding wolves.

In response to committee questions, Rep. Boyle noted that the Governor already has the power to issue executive orders and proclamations. This bill would simply spell out the issues with wolves.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20736** with the following changes: page 2, line 38 change "shall" to "may"; page 3, line 34 after "services" insert a "." and strike the rest of the sentence and remove all of Section 4 and replace it with an emergency clause. **Motion carried by voice vote.** **Rep Cronin** requested that he be recorded as voting nay.

**RS 20740:** **Rep. Loertscher** presented **RS 20740** regarding the siting of wind facilities. This legislation creates minimum standards for setback limits of wind turbines: 2 miles from residential property and 5 miles from a city. It also includes provisions to locate turbines at a distance so as to prevent shadows from appearing on the surface of any adjacent property owners.

In response to committee questions, Rep. Loertscher stated that there are projects being proposed by counties that come much closer than the minimum standards proposed in the legislation. This is the reason to move forward with this now so that the standards are set before the projects begin. Currently, counties use the height of the tower plus a dimension as a setback requirement. Additionally, he noted that adjacent property owners could waive the requirements if they so choose.

**MOTION:** **Rep. Bedke** moved to introduce **RS 20740**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 1:27 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
**HOUSE WAYS & MEANS COMMITTEE**  
Upon Adjournment of the House  
Room E403  
Monday, April 04, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20743</a>	Sales and use tax: alternative energy generation	Rep. Eskridge

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Monday, April 04, 2011

**TIME:** Upon Adjournment of the House

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative Rusche

**GUESTS:** Russ Westerberg, Westerberg & Associates; Ron Williams, Williams Bradbury; Rich Hahn, Idaho Power;

The meeting was called to order at 5:02 p.m. by Chairman Wood (35).

**MOTION:** **Rep Higgins** moved to approve the minutes of April 1, 2011 as written. **Motion carried by voice vote.**

**RS 20743:** **Rep. Eskridge** presented **RS 20743** regarding alternative energy rebates. The Senate has expressed some concern with H 337 addressing both tax policy and energy policy in a single piece of legislation. Therefore, the issues have been divided into two separate pieces of legislation. This bill extends the rebate sunset date to December 31, 2014 for sales and use tax for purchases of machinery and equipment used in generating alternative energy. The taxpayer must obtain a power purchase agreement by October 31, 2011 to qualify for the rebate.

**MOTION:** **Rep. Bedke** moved to send **RS 20743** to the second reading calendar. **Motion carried by voice vote.** **Rep. Eskridge** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 5:05 p.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
HOUSE WAYS & MEANS COMMITTEE  
11:00 A.M.  
Room E403  
Tuesday, April 05, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20672C1</a>	Income tax rates	Rep. Hagedorn
<a href="#">RS20744</a>	PURPA: solar and wind energy resources	Rep. Bedke

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

Room: E304

Phone: (208) 332-1120

email: [shendrick@house.idaho.gov](mailto:shendrick@house.idaho.gov)

MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Tuesday, April 05, 2011

**TIME:** 11:00 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:**

The meeting was called to order at 11:01 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Higgins** moved to approve the minutes of April 4, 2011 as written. **Motion carried by voice vote.**

**RS 20672C1:** **Rep. Hagedorn** presented **RS 20672C1** regarding income tax rates. This legislation would reduce corporate income tax over a seven year period from 7.6% to 5%. This should make Idaho more competitive with other surrounding states in attracting new business. The legislation includes a revenue safety trigger wherein the Governor and Legislature can create a "hold order" if there is an unexpected drop in revenues.

In response to committee questions, Rep. Hagedorn explained that the legislation was late in coming this session due to discussions with the Idaho Tax Commission and the Department of Financial Management about potential impacts and the language of the bill. He noted that there is no formula to predict economic return by reducing income tax. However, historically the last five times this was done nationally the economy has soared. This legislation sets a plan in motion for reducing corporate income taxes. If the Governor has to do a holdback the plan can be held and then moved forward the next year.

**Rep. Moyle**, in response to questions, noted that the intention is to give interested parties a chance to review the legislation for future discussion.

**MOTION:** **Rep. Moyle** moved to introduce **RS 20672C1**.

**Rep. Rusche** spoke in opposition to the motion. He expressed concern with the idea that cutting taxes would spur enough economic growth to cover the decrease in tax revenue. Strategically this is not a smart choice.

**Rep. Bedke** spoke in favor of the motion. Idaho's tax rate is not competitive with other states. The way to recover from a recession is to have a positive business climate where the private sector can increase jobs. This topic needs to be further discussed and refined.

**Rep. Cronin** spoke in opposition to the motion. Idaho has low power rates, a low cost of labor and \$2 billion in sales tax exemptions making the state's effective tax rate significantly lower when one considers the big picture and not simply the corporate income tax rate. Businesses are concerned with other investments in the state, such as education as well. A lot more goes into business growth than simply tax rate.



**VOTE ON  
MOTION:**

**Rep. Rusche** requested a roll call vote. By a vote of **4 aye and 3 nay**, the motion **carried**. Voting in the affirmative: **Reps. Moyle, Bedke, Roberts, Wood (35)**. Voting in the negative: **Reps. Rusche, Higgins, Cronin**.

**RS 20744:**

**Rep. Bedke** presented **RS 20744** which deals with PURPA. This bill codifies current Public Utilities Commission policy. From now on, the Public Utility Regulatory Policies Act of 1978 (PURPA) wind and solar rates have to be negotiated. Only PURPA solar and wind facilities whose total maximum design capacity is 100 kilowatts or less will be eligible to receive the standard rates in a power purchase agreement with a public utility.

**MOTION:**

**Rep. Roberts** moved to send **RS 20744** to the second reading calendar. **Motion carried by voice vote**. **Rep. Bedke** will sponsor the bill on the floor.

**ADJOURN:**

There being no further business to come before the committee, the meeting was adjourned at 11:16 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

**AMENDED #1 AGENDA**  
**HOUSE WAYS & MEANS COMMITTEE**  
**9:15 A.M.**  
**Room E403**  
**Wednesday, April 06, 2011**

<b>SUBJECT</b>	<b>DESCRIPTION</b>	<b>PRESENTER</b>
<a href="#"><u>RS20746</u></a>	Idaho Video Services Act	Rep. Moyle

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

Room: E304

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Wednesday, April 06, 2011

**TIME:** 9:15 A.M.

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** Representative(s) Higgins, Cronin

**GUESTS:** Ed Lodge, Century Link; Sarah Fuhriman, Hopkins Roden; Bill Roden, Century Link;  
The meeting was called to order at 9:16 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Rusche** moved to approve the minutes of April 5, 2011 with the following correction: Under RS 20672C1, line 3 "would" should be changed to "should".  
**Motion carried by voice vote.**

**RS 20746:** **Ed Lodge**, Century Link, presented **RS 20746** which establishes the Idaho Video Services Act. This legislation establishes a streamlined process for the issuance of a state franchise which will attract new video service providers to Idaho. It will encourage new private investment in the broadband infrastructure within Idaho. The Idaho Video Services Act is intended as a tool to enhance the state's economic development, further technological growth and create employment opportunities for our citizens.

In response to committee questions, Mr. Lodge explained that this legislation differs from that previously presented in that it does not include a paid fee. The legislation is intended as a starting point for discussion over the interim.

**MOTION:** **Rep. Rusche** moved to introduce **RS 20746**. **Motion carried by voice vote.**

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 9:19 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary

AGENDA  
**HOUSE WAYS & MEANS COMMITTEE**  
Subject to the Call of the Chair  
Room E403  
Thursday, April 07, 2011

SUBJECT	DESCRIPTION	PRESENTER
<a href="#">RS20749</a>	Charter schools	Rep. Bayer

***If you have written testimony, please provide a copy of it to the committee secretary to ensure accuracy of records.***

COMMITTEE MEMBERS

Chairman Wood(35)

Rep Moyle

Rep Bedke

Rep Roberts

Rep Rusche

Rep Higgins

Rep Cronin

COMMITTEE SECRETARY

Sarah Hendrick

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MINUTES  
**HOUSE WAYS & MEANS COMMITTEE**

**DATE:** Thursday, April 07, 2011

**TIME:** Subject to the Call of the Chair

**PLACE:** Room E403

**MEMBERS:** Chairman Wood(35), Representative(s) Moyle, Bedke, Roberts, Rusche, Higgins, Cronin

**ABSENT/  
EXCUSED:** NONE.

**GUESTS:** Jane Wittmeyer, Coalition of Idaho Charter School Families, Inc.;

The meeting was called to order at 10:02 a.m. by Chairman Wood (35).

**MOTION:** **Rep. Rusche** moved to approve the minutes of April 6, 2011 as written. **Motion carried by voice vote.**

**RS 20749:** **Rep. Bayer** presented **RS 20749** regarding charter schools. It replaces H 346 and would remove the cap limiting the number of charter schools in Idaho annually. He noted that there were extensive hearings in the Education Committee regarding this topic previously this year.

In response to committee questions, Rep. Bayer noted that the legislation simply removes the six school limit on public charter schools. It does not remove the cap on support unit staff.

**Rep. Bedke**, in response to questions, explained that when Idaho took its first steps towards charter schools it did so without constraints. Enrollment in these charter schools was quite successful and Idaho saw large enrollment swings with hundreds of kids coming in. This skewed the budget and led to the legislature putting two caps in place. One, dealt with in this legislation, limited the number of new institutions. The second cap involved support units and limited the size of the charter schools.

**MOTION:** **Rep. Moyle** moved to send **RS 20749** to the second reading calendar.

**Rep. Rusche** spoke in opposition to the motion. Unfortunately, Idaho's ongoing view of education requires consolidation. This legislation opens the doors to de-consolidation by allowing more charter schools.

**Motion carried by voice vote. Rep. Rusche and Rep. Higgins** requested they be recorded as voting nay. **Rep. Bayer** will sponsor the bill on the floor.

**ADJOURN:** There being no further business to come before the committee, the meeting was adjourned at 10:10 a.m.

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Representative Wood(35)  
Chair

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Sarah Hendrick  
Secretary